

In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 2018 of 2005

Date of Decision: September 28, 2006

Smt. Rashmi Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI**

PRESENT: Mr. K.L. Dhingra, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana,
for the respondents.

JUDGMENT

M.M. KUMAR, J (Oral)

Despite last opportunity given, no written statement has been filed. Consequently, the averments made in the writ petition have to be accepted as correct. The prayer made by the petitioner is that the order dated 13.1.2005 (P-1) be set aside as it is inconsistent with the instructions dated 14.6.2004 (P-2) as interpreted by a Division Bench of this Court in the case of **Randhir Kaur v. State of Haryana, 2003(1) RSJ 178.**

The short question raised in the instant petition is as to whether the petitioner is entitled to exercise fresh option? Such a course is open to the petitioner on account of the fact that subsequent order has been passed by the Government itself and if that is the factual position then fresh option is required to be granted to the petitioner. In our view, the matter is covered by the Division Bench judgment in Randhir Kaur's case (supra) and the petition deserves to be allowed.

In view of the above, the writ petition is allowed. The petitioner is permitted to exercise fresh option for switching over to the revised pay scale enforced by the respondent State w.e.f. 1.1.1986 with all consequential benefits as per the instructions dated 14.6.2004 and the Division Bench judgment of this Court in Randhir Kaur's case (supra).

The writ petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

September 28, 2006

Pkapoor

(M.M.S. BEDI)
JUDGE